



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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(not for service)

September 14, 2015

By ECF and Fax (212-805-7942)

Hon. Alvin K. Hellerstein  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: P.R.C. o.b.o. herself and her child G.G.C. v. N.Y.C. Dep't of Educ., et al.  
15 Civ. 6851 (AKH)

Dear Judge Hellerstein:

I am the attorney in the Office of the Corporation Counsel assigned to represent the defendants, New York City Department of Education, New York City Board of Education, and Carmen Fariña, in her official capacity as Chancellor of the New York City School District (collectively "Defendant," "DOE", or the "Department") in the above-referenced matter. I am writing to respectfully request additional time to respond to the Complaint.

This case is brought pursuant to 42 U.S.C. § 1983 by Plaintiff P.R.C. on behalf of herself and her minor daughter, G.G.C. (collectively, "Plaintiffs"). Plaintiffs' claims are predicated on the fact that the kindergarten-age, minor plaintiff did not qualify for Defendant's Gifted & Talented ("G&T") program for the 2015-2016 school year based on her scores on the Department's standardized G&T admissions assessments.

Plaintiffs allege that that the Defendant's test-score appeal procedures and application of its sibling priority policy violated their 14<sup>th</sup> Amendment procedural and

substantive due process rights, the New York State Constitution, and various State education laws.

Among other things, Plaintiffs seek an injunction ordering Defendant to permit G.G.C. to enroll in the Department's G&T program at the Anderson School, a school with a City-wide<sup>1</sup> gifted and talented program attended by her older sibling. It should be noted that G.G.C. is currently enrolled in a DOE school, where classes began on September 9. The Defendant also notes that Plaintiffs seek similar relief in a petition filed with the Commissioner of the New York State Education Department. The Department has answered the petition, and Plaintiffs' application there is *sub judice*.

Defendant's Answer to the Complaint is currently due September 22, 2015. I respectfully request a three-week extension, until October 13, 2015, to respond to the Complaint. This additional time is sought to research the possibility of early motion practice, and to either craft an appropriate motion or to respond to the factual and legal allegations in the 200-paragraph Complaint. I have spoken with Plaintiff P.R.C., who is proceeding *pro se*,<sup>2</sup> and she refuses to consent to this proposed extension, or even to a one or two-week extension. Plaintiff maintains that the nature of her claim and the relief she seeks are "urgent".

Thank you for your consideration of this request.

Respectfully,

s/

Lesley Berson Mbaye  
Senior Counsel

cc: By ECF  
Paula Rogowsky Cohen, Esq.  
Plaintiff, *pro se*

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<sup>1</sup> "City-wide" gifted and talented programs admit students from all boroughs without district-based priority.

<sup>2</sup> Though proceeding *pro se*, Plaintiff is an experienced New York City attorney who practices in the field of education law.